IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 867 OF 2002

IN

WRIT PETITION NO. 1575 OF 2002

K. Shantaram Pai .. Appellant
(Org. petitioner)

Vs.

Engineering Workers Union & Anr. Respondent
(Org. Respondents)

Mr. R.S.Pai with M. Londhe i/b. Sanjay Udeshi & Co. for the appellant.

Mr. S.P.Sen with H.V.Kode for respondents.

CORAM: D.K.DESHMUKH &
J.H.BHATIA,JJ.

DATE: 23rd October,2007.

P.C.

1. By consent of the parties, the Appeal is disposed of in the following terms :-

(i) The Application filed by the respondent No.1 at Exhibit "C" on record, being Complaint (ULP) No.852 of 1988 is permitted to be withdrawn. As a result of which the order dated 15.3.2002 passeds by the Industrial Court on that Application and the Judgment of the learned Single Judge dated 25th June, 2002 in Writ Petition No.1575 of 2002 do not survive rendering this Appeal infructuous.

(ii) By consent of the parties, the Industrial Court is directed to try issue No.4 as a preliminary issue. Issue No.4 is as under :

"Whether the Responddent Nos. 1 and 2 prove that the workmen mentioned in Annexure-F to the complaint are the workmen of Respondent Nos.5, 6 & 7 ?"

2. The concerned matter has been pending for a long time. The Industrial Court shall decide at least the preliminary issue as expeditiously as possible.

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(D.K.DESHMUKH,J.)

(J.H.BHATIA,J.)